

SCANNED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
In re REFCO, INC. SECURITIES LITIGATION :
----- X

07 MDL No. 1902 (GEL)

MARC S. KIRSCHNER, AS TRUSTEE OF
THE REFCO LITIGATION TRUST,

07 Civ. 11604 (GEL)

Plaintiff,

- against -

GRANT THORNTON LLP et al.,

Defendants.
----- X

KRYS et al.,

08 Civ. 3086 (GEL)

Plaintiffs,

- against -

SUGRUE et al.,

Defendants.
----- X

**NOTICE OF MOTION TO ADMIT
JONATHAN PETER HERSEY *PRO HAC VICE***

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Paul Spagnoletti, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

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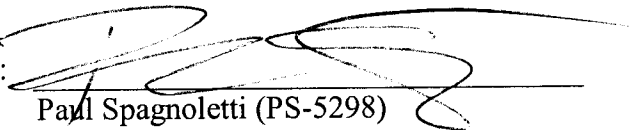
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S.D. OF N.Y.

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JONATHAN PETER HERSEY is a member in good standing of the bars of (i) the State of California, (ii), the Ninth Circuit Court of Appeals, and (iii) the United States District Courts for the Southern, Central, Eastern and Northern Districts of California. There are no pending disciplinary proceedings against JONATHAN PETER HERSEY in any State or Federal court.

Dated: New York, New York
June 5, 2008

DAVIS POLK & WARDWELL

By: 
Paul Spagnoletti (PS-5298)

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*Attorneys for Defendants Ingram Micro Inc.
and CIM Ventures Inc.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Plaintiff, :

- against - :

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Defendants. :

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KRYIS et al., :

08 Civ. 3086 (GEL)

Plaintiffs, :

- against - :

SUGRUE et al., :

Defendants. :

----- X
**DECLARATION OF PAUL SPAGNOLETTI IN SUPPORT OF
MOTION TO ADMIT JONATHAN PETER HERSEY *PRO HAC VICE***

I, Paul Spagnoletti, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member of the law firm Davis Polk & Wardwell, counsel for defendants Ingram Micro Inc. ("Ingram Micro") and CIM Ventures Inc. ("CIM Ventures") in the above-captioned matters. I am familiar with the proceedings in these matters. I make this statement based on my personal knowledge of the facts set forth herein and in support of Ingram Micro's

and CIM Ventures' motion to admit Jonathan Peter Hersey as counsel *pro hac vice* to represent defendants Ingram Micro and CIM Ventures in these matters.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on August 11, 1999. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Jonathan Peter Hersey since March 17, 2008.

4. Mr. Hersey is a Partner at Sheppard Mullin Richter & Hampton LLP in Costa Mesa, California.

5. I have found Mr. Hersey to be a skilled attorney and a person of integrity. He is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure.

6. Accordingly, I am pleased to move the admission of Jonathan Peter Hersey, *pro hac vice*.

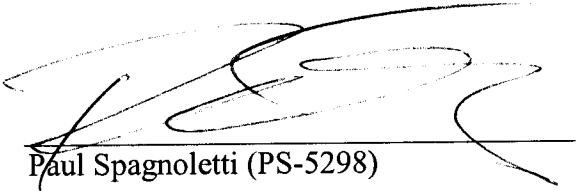
7. I respectfully submit a true and correct copy of the Certificate of the Clerk of the Supreme Court of the State of California certifying that Jonathan Peter Hersey is a member in good standing of the bar of the State of California, which is attached hereto as Exhibit A.

8. I respectfully submit a proposed order granting the admission of Jonathan Peter Hersey, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE it is respectfully requested that the motion to admit Jonathan Peter Hersey, *pro hac vice*, to represent defendants Ingram Micro and CIM Ventures in the above-captioned matters, be granted.

Dated: New York, New York
June 5, 2008

By:


Paul Spagnoletti (PS-5298)



Supreme Court of California

FREDERICK K. OHLRICH

Clerk of the Court

CERTIFICATE OF THE CLERK OF THE SUPREME COURT

OF THE

STATE OF CALIFORNIA

JONATHAN PETER HERSEY

*I, FREDERICK K. OHLRICH, Clerk of the Supreme Court of the State of California, do hereby certify that **JONATHAN PETER HERSEY** was on the 9th day of June 1997, duly admitted to practice as an attorney and counselor at law in all the courts of this state; and that his name now appears on the Roll of Attorneys as a member of the bar of this state in good standing.*

*Witness my hand and the seal of the court,
this 19th day of MAY, 2008.*

FREDERICK K. OHLRICH

Clerk of the Supreme Court

By

A handwritten signature in cursive script, appearing to read "Joseph Cornetta".

Joseph Cornetta, Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO, INC. SECURITIES LITIGATION :

07 MDL No. 1902 (GEL)

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MARC S. KIRSCHNER, AS TRUSTEE OF
THE REFCO LITIGATION TRUST, :

07 Civ. 11604 (GEL)

Plaintiff, :

- against - :

GRANT THORNTON LLP et al., :

Defendants. :

----- x
KRYN et al., :

08 Civ. 3086 (GEL)

Plaintiffs, :

- against - :

SUGRUE et al., :

Defendants. :

----- x
**ORDER FOR ADMISSION OF
JONATHAN PETER HERSEY *PRO HAC VICE* ON WRITTEN MOTION**

Upon the motion of Paul Spagnoletti, attorney for defendants Ingram Micro Inc. and CIM Ventures Inc. in the above-captioned matters, and said sponsor attorney's declaration in support;

IT IS HEREBY ORDERED that

JONATHAN PETER HERSEY
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is admitted to practice *pro hac vice* as counsel for defendants Ingram Micro Inc. and CIM Ventures Inc. in the above-captioned matters in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

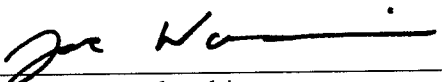
Dated: New York, New York
_____, 2008

By: _____
United States District/Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2008, I caused true and accurate copies of: (i) the foregoing Motion to Admit Counsel Pro Hac Vice, (ii) the accompanying Affidavit of Paul Spagnoletti in support of the motion, and (iii) the proposed Order for Admission Pro Hac Vice on Written Motion, to be served upon counsel of record by regular mail at the addresses set forth on the attached service list.

Dated: New York, New York
June 5, 2008



Joseph J. Wardenski

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